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Paper No. 6

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OFFICE OF PETITIONS

In re Application of
Fukuda
Application No. 10/043,784
Filing Date: November 7, 2001
Attorney Docket No.: 15056
For: TELEPHONE UNIT HAVING
TELEPHONE DIRECTORY WITH PICTURE
DATA AND METHOD FOR GENERATING
TELEPHONE DIRECTORY WITH PICTURE
DATA
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This is a decision on the petition, filed May 10, 2002, in response to the Notice of Omitted Item(s) in a Nonprovisional Application ("Notice") requesting that the above-identified application be according a filing date of November 7, 2001, with Figures 2, 3, and 4 as part of the original disclosure.

The petition is **GRANTED**.

The application was submitted November 7, 2001. The Notice mailed March 8, 2002 indicated that a filing date had been granted but that Figures 2, 3, and 4 as described in the specification appeared to have been omitted from the application.

The Notice permits applicant to either: (1) promptly establish prior receipt in the PTO of the drawing(s) at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the missing drawings were in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted drawings in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted drawing(s) with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such drawing(s) and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the Notice (37 CFR 1.181(f)).

Petitioner alleges that the application was submitted with four (4) sheets of drawings on which appeared the figures in question. Petitioner has included as evidence to this effect a date stamped return postcard acknowledging receipt of four (4) sheets of drawings. Petitioner has also included a copy of figures 2, 3, and 4.

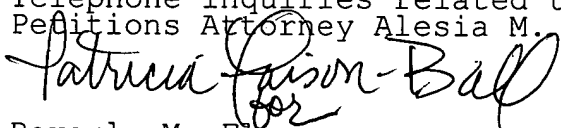
The original drawings of Figures 2, 3 and 4 submitted with the application papers have not been located. However, in view of the evidence presented, the petition to accord the application a filing date of November 7, 2001 with Figures 2, 3, and 4 as part of the original disclosure is **GRANTED**.

Since the original drawings cannot be located in the Office, the copies supplied with the instant petition will be used for examination purposes.

No fee is due in connection with this matter. Petitioner may request a refund of the previously submitted \$130.00 petition fee by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of November 7, 2001.

Telephone inquiries related to this decision may be directed to Petitions Attorney Alesia M. Brown at (703) 305-0310.


Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy+